

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**GILBERT JAMES,**

**Plaintiff,**

**v.**

**Civil Action No. 3:11cv00221**

**ENCORE CAPITAL GROUP, INC., *et al.***

**Defendants.**

**DEFENDANTS' MEMORANDUM IN SUPPORT OF  
MOTION FOR EXPEDITED BRIEFING**

Defendants, Encore Capital Group, Inc., Midland Funding LLC, and Midland Credit Management, Inc. (collectively, the "Midland Defendants"), by counsel, state as follows in support of their Motion for Expedited Briefing with respect to their Motion for a Protective Order to Temporarily Stay Certain Limited Discovery pending resolution of their impending Motion for Summary Judgment (Dkt. No. 144).

In their Motion for a Protective Order, the Midland Defendants detail the substantial cost and expense that they are currently incurring in connection with the review and production of documents implicated by Plaintiff's Request for Production Nos. 9 and 10, which broadly seek production of "every e-mail stored, archived or retrievable that include[s] the word 'affidavit'" for six different custodians, including the General Counsel, Senior Corporate Counsel, and the Chief Executive Officer of the Midland Defendants. In that motion, the Midland Defendants propose an alternative method for the potential resolution of the action, during which discovery can be stayed with respect to Request Nos. 9 and 10. Importantly, the proposed alternative

would *obviate the need* for the discovery implicated by Request Nos. 9 and 10 under the reasons proffered by Plaintiff's counsel to this Court.

During the pendency of the Motion for a Protective Order, however, the Midland Defendants continue to engage in the expensive e-discovery review ordered by the Court. Accordingly, the Midland Defendants request expedited review of this motion to prevent as much of that expense as possible while the Court considers the commonsense, alternative approach set forth by the Midland Defendants in their motion. The quick resolution of the Motion for a Protective Order will ensure that the substantial benefits of the Midland Defendants' proposed alternative approach are not negated by the passage of time alone.

WHEREFORE, Defendants, Encore Capital Group, Inc., Midland Funding LLC, and Midland Credit Management, Inc., respectfully request that the Court: (1) enter an Order expediting consideration of the Midland Defendants' Motion for a Protective Order and directing that the parties appear for hearing on these matters at the Court's earliest convenience; and (2) award the Midland Defendants such further relief as is just and proper.

**ENCORE CAPITAL GROUP, INC.,  
MIDLAND FUNDING, LLC and  
MIDLAND CREDIT MANAGEMENT, INC.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of February 2012, I filed a true and correct copy of the foregoing on the Court's Electronic Case Filing System, which will send a notice of electronic filing to:

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